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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91150298
Party	Plaintiff BAXTER INTERNATIONAL INC. BAXTER INTERNATIONAL INC. ,
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Submission	Other Motions/Papers
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Date	03/05/2007
Attachments	Baxter Recitation of Facts to support Motion for Six Month Extension 2-07.pdf ( 3 pages )(254320 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Baxter International, Inc.,	)	
	)	Opposition No. 91150298
Opposer,	)	
	)	
v.	)	
	)	Serial No. 76/151380
Inviro Medical Devices Ltd.,	)	Mark: ULTRALINK
	)	
Applicant.	)	
	)	

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**OPPOSER’S RESPONSE TO BOARD’S REQUEST FOR FACTS SUPPORTING  
GOOD CAUSE FOR STIPULATED MOTION FOR SIX-MONTH SUSPENSION**

On January 18, 2007, Opposer, Baxter International, Inc. (“Opposer”), filed a stipulated motion for suspension of the above-captioned opposition (the “Opposition”) for an additional six months. The Board requested that the parties provide a recitation of facts constituting good cause for this additional suspension.

At this time, Opposer can report that the parties have exchanged settlement counter-offers. Opposer has offered to compensate Applicant for the withdrawal of its “LINK” marks, which includes ULTRALINK, SNAPLINK, UNILINK and INVIROLINK, so long as all marks containing the LINK term are no longer used in commerce and withdrawn from registration. In return, Applicant has agreed to withdraw its LINK marks and not use these marks in commerce, but has requested additional compensation, as well as an exception that the mark INVIROLINK (related US Opposition No. 91173327 between the parties) still be allowed use and registration. The parties have spoken about the latest offer and have agreed to pursue a meeting between the appropriate business personnel at each company, as well as having the Applicant consider some changes to the INVIROLINK mark in order for each party to peacefully co-exist without the threat of confusion in the market. The parties expect to discuss a potential meeting and work toward an agreeable schedule to hold the same, as well as any agreeable amendments to the INVIROLINK mark, by the end of March. Consequently, the parties agree that the Opposition should be suspended for six months in order to compensate for these settlement opportunities.

Counsel for Applicant had consented to the additional six month suspension filed in January, and was provided a copy of this explanatory motion for approval on February 15, 2007, but was unavailable to provide consent to this explanatory motion before the deadline for filing.

For the foregoing reasons, Opposer respectfully requests that the Board grant this Motion for Six-Month Suspension.

Dated: March 5, 2007

DINEFF TRADEMARK LAW LTD.

By: 

Linda J. Nowlin  
160 North Wacker Drive  
Chicago, IL 60606  
(312) 338-1000  
Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the "OPPOSER'S RESPONSE TO BOARD'S REQUEST FOR FACTS SUPPORTING GOOD CAUSE FOR STIPULATED MOTION FOR SIX-MONTH SUSPENSION" is being filed electronically on the date indicated below to the Trademark Trial and Appeal Board.

Dated: March 5, 2007

DINEFF TRADEMARK LAW LTD.

By: 

Linda J. Nowlin  
160 North Wacker Drive  
Chicago, IL 60606  
(312) 338-1000  
Attorneys for Opposer

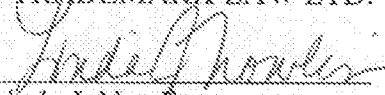
**CERTIFICATE OF SERVICE TO APPLICANT**

I HEREBY CERTIFY that a true and correct copy of the "OPPOSER'S RESPONSE TO BOARD'S REQUEST FOR FACTS SUPPORTING GOOD CAUSE FOR STIPULATED MOTION FOR SIX-MONTH SUSPENSION" was served electronically on counsel for Applicant, Mr. Duane Byers, at [dmb@nixonvan.com](mailto:dmb@nixonvan.com), on the date indicated below. During a telephone conference on February 15, 2007, between counsel for Opposer and Mr. Byers, Mr. Byers indicated he preferred and consented to receiving service by electronic mail.

Dated: March 5, 2007

DINEFF TRADEMARK LAW LTD.

By: \_\_\_\_\_

  
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